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Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Letter dated 3 December 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit the report of the Counter-Terrorism Committee to the Security Council for its comprehensive consideration of the work of the Counter-Terrorism Committee Executive Directorate (see annex), in accordance with paragraph 2 of Security Council resolution 1805 (2008).

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Ertugrul **Apakan**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Report of the Counter-Terrorism Committee to the Security Council for its comprehensive consideration of the work of the Counter-Terrorism Committee Executive Directorate

I. Introduction

1. By resolution 1535 (2004), the Security Council established the Counter-Terrorism Committee Executive Directorate as a special political mission under the policy guidance of the Counter-Terrorism Committee. On 20 March 2008 the Security Council, by resolution 1805 (2008), renewed the Counter-Terrorism Committee Executive Directorate as a special political mission under the policy guidance of the Committee for a period ending on 31 December 2010. In that resolution, the Council further decided to conduct a comprehensive consideration of the Executive Directorate's work prior to the expiration of its mandate.

2. The Counter-Terrorism Committee submitted its interim report (S/2009/289) to the Council in 2009 and received a report from the Executive Directorate (S/2010/569) on its work during the mandate period. The Committee has prepared the present report to assist the Council in its comprehensive consideration of the Executive Directorate. The Committee has also included recommendations on the future work of the Executive Directorate.

II. Implementation of the structural reorganization of the Counter-Terrorism Committee Executive Directorate

3. The Security Council in resolution 1805 (2008) welcomed and affirmed the revised organizational plan for the Executive Directorate. In this regard, the Committee notes that the present structure of the Executive Directorate, consisting of three geographical clusters with five cross-cutting technical groups, supported by two smaller units, has served the Executive Directorate and the Committee well, enhancing its capacity to conduct its core business of engaging Member States on the implementation of resolutions 1373 (2001) and 1624 (2005). The clusters and groups have been actively engaged in the production of a revised global implementation survey (see S/2009/620, annex) and have prepared detailed technical briefings for the Committee and the full membership of the United Nations, the latter to enhance transparency about the work of the Committee. Two notable achievements during this period have been the publication of an updated global implementation survey and a technical guide that set out steps in a pragmatic manner to assist States in the implementation of resolution 1373 (2001). The technical groups have established consistency in judgements about the implementation of specific provisions of resolutions 1373 (2001) and 1624 (2005) and have established uniformity in reviewing to States, regions and subregions in that regard. The clusters continue to play an important role in engaging Member States and international organizations on assessments and the facilitation of technical assistance as well as in enhancing States' understanding of the work of the Committee and the Executive Directorate.

4. The Committee expects that the present structure of the technical working groups will continue to contribute to the achievements of the Executive Directorate in effectively fulfilling its mandates. The Committee will continue its discussion of

the future format of the global implementation survey in order to provide clear guidance and direction on the production of a new updated survey before the end of 2011.

III. Preparation of preliminary implementation assessments and stocktaking exercise

5. During the mandate period, the Executive Directorate prepared, and the Committee adopted, preliminary implementation assessments for all United Nations Member States. The Executive Directorate prepared and the Committee conducted a first review, or stocktaking, of revised preliminary implementation assessments for more than 100 States. This stocktaking exercise enabled the Committee to broaden and deepen its active dialogue with Member States; to learn where States continue to face particular challenges; and, more generally, to gain a better and more detailed understanding of the state of implementation of resolution 1373 (2001) on a global basis, as reflected in the global implementation survey. The Committee has also adopted a simplified procedure for the consideration of the preliminary implementation assessments in order to allow more time and resources to focus on concrete measures to implement resolution 1373 (2001) that make a difference on the ground in regions, subregions and individual States.

6. The Committee plans to review the format of the preliminary implementation assessment in order to enhance its usefulness as a diagnostic tool, and in this regard looks forward to the Executive Directorate's proposals for revitalizing and simplifying the preliminary implementation assessment, drawing on the information now available in the technical guide.

IV. Country visits

7. The Committee noted that the revised organizational plan for the Executive Directorate, outlining a more flexible approach to assessment missions, has been fully implemented and resulted in 36 visits to Member States during the mandate period. The total number of States visited and assessed since 2005 is now 56. The Committee believes that country visits remain an essential part of the Committee's and the Executive Directorate's work and are critical to understanding how States are evolving their counter-terrorism responses. Moreover, this improved engagement with States and regional organizations helps to form a more accurate and clearer understanding of the global implementation of resolution 1373 (2001) that can be reflected in a revised global implementation survey. This clarity helps the Executive Directorate to determine priorities for its regional and subregional activities, for the facilitation of technical assistance, and for conducting workshops and disseminating best practices.

8. The Committee looks forward to continuing this flexible approach to country visits, especially with regard to a new list of Member States that the Committee will approve and the Executive Directorate will visit during the coming two to three years, with the consent of the States it is proposed to visit.

V. Strengthening facilitation of technical assistance to States

9. The Committee and the Executive Directorate continue to play active roles as facilitators of technical assistance. The Committee notes that the Executive Directorate revised technical assistance strategy, endorsed by the Committee in July 2008, leveraged its in-depth knowledge of the counter-terrorism needs of States visited to engage major bilateral, regional and international donors. The strategy has also widened the circle of donors by including countries which have developed particularly effective counter-terrorism approaches or systems within their regions. Since implementing the revised strategy, the Executive Directorate has made 187 technical assistance referrals, which, in 43 cases, led to technical assistance delivery by bilateral or multilateral donors. The rest are still pending.

10. The Committee also recognizes that regional and subregional approaches have the potential to act as force multipliers and is incorporating this effect in designing its work programme. In the context of this regional approach, the Executive Directorate has identified several key areas for strengthening facilitation of technical assistance, namely, (1) strengthening border control systems and cross-border institutional cooperation among neighbouring States; (2) capacity-building activities, including those aimed at enhancing institutions and strengthening the rule of law; and (3) improving coordination and information-sharing among relevant national agencies, which has a significant impact on counter-terrorism capabilities and responses.

11. The Committee also notes that the Executive Directorate has adopted measures to bolster its outreach activities with potential donors, including those already engaged in capacity-building activities aimed at enhancing institutions and strengthening the rule of law. In so doing, the Executive Directorate has ensured that a greater number of referrals have been accepted by donors and that the identified technical assistance is successfully delivered to help States to further implement resolutions 1373 (2001) and 1624 (2005).

12. The Committee encourages the Executive Directorate to update it regularly on the status of implementation of the revised technical assistance strategy and to keep it under active review, including new ideas for expanding the number of donors and the range of their activities in capacity-building.

VI. Engagement with the Counter-Terrorism Implementation Task Force and other Security Council bodies

13. Under the guidance of the Committee, the Executive Directorate continues to serve as a core member of the Counter-Terrorism Implementation Task Force, making significant contributions to its six working groups, respectively dealing with countering terrorist financing, human rights and counter-terrorism; the use of the Internet for terrorist purposes; preventing and resolving conflicts; the integrated assistance for countering terrorism initiative (the Executive Directorate is Co-Chair); and, most recently, establishing a group on border control (the Executive Directorate is Chair). The Executive Directorate officers frequently contact and interact with the newly created secretariat of the Task Force to share information and provide advice and technical support as needed. The Chair of the Task Force or his representative regularly attends the Executive Directorate's weekly senior

management meetings. In turn, the Executive Directorate attends the weekly staff meetings of the Task Force. The Executive Directorate and the Task Force secretariat continue their work on a capacity-building project in two Member States within the context of the integrated assistance for countering terrorism initiative, which aims to facilitate technical assistance to Member States with an integrated approach to the Executive Directorate implementation of the United Nations Global Counter-Terrorism Strategy.

14. Under the common strategies of the three Security Council Committees, and also within the framework of the Task Force, the three expert groups of the Security Council's subsidiary counter-terrorism bodies (the Executive Directorate, the Monitoring Team of the Committee established pursuant to resolution 1267 (1999) and the Expert Group of the Committee established pursuant to resolution 1540 (2004)) have actively coordinated their activities and continue to share information. The three expert groups also work closely together to enhance the capacities of Member States to understand the requirements for effective implementation of the relevant Security Council resolutions related to terrorism. One approach is to conduct regional workshops to assist Member States lacking the capacity to submit responses to the three Security Council Committees dealing with terrorism. The three expert groups also continue to implement their common strategy to work jointly, as appropriate, with international, regional and subregional organizations, as well as relevant United Nations entities, in order to avoid overlap and utilize available resources in an appropriate manner and to invite each other on assessment visits to States.

15. The Committee encourages enhanced collaboration between the Executive Directorate, the Counter-Terrorism Implementation Task Force and its entities, and in particular other counter-terrorism groups of experts of the Security Council within their respective mandates, including in the exchange of information, in developing common strategies, and in organizing joint workshops and joint country visits, in order to better assist Member States' implementation of relevant resolutions of the United Nations on combating terrorism.

VII. Engagement with international, regional and subregional organizations

16. The Committee recognizes that international, regional and subregional organizations are key partners to assist Member States in implementing relevant Security Council resolutions. The Committee and the Executive Directorate work closely with several partner international organizations that provide expert assistance, advice and support in relation to assessment missions, conferences and workshops; in the development and promotion of good practices; and in the provision of technical assistance pursuant to Executive Directorate referrals.

17. The Committee welcomes the close and deepening collaboration and cooperation among the Committee, the Executive Directorate and all of its partner organizations. It plans to conduct its next special meeting with all relevant organizations during the first half of 2011.

VIII. Human rights

18. The Committee and the Executive Directorate recognize that counter-terrorism strategies and activities can only be fully effective in the long term if they are firmly grounded in the rule of law and are consistent with international human rights law and international humanitarian obligations. The Committee notes that the human rights aspects of countering terrorism had been routinely raised during country visits, workshops, videoconferences and other exchanges with Member States. The Executive Directorate also continues to enhance its cooperation with the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, including by means of joint development of relevant technical assistance for States in the refugee and human rights fields. The Executive Directorate has also maintained an active dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and draws on his reports in preparing for assessment missions and workshops.

19. The Committee welcomes the continuing activities of the Executive Directorate in this area and requests it to develop them further, in line with the Committee's human rights policy guidance, to ensure that all relevant human rights issues are addressed consistently and even-handedly in its activities. The Committee also calls for continued cooperation of the Executive Directorate with all relevant partners, including the working group of the Counter-Terrorism Implementation Task Force on protecting human rights while countering terrorism.

IX. Implementation of Security Council resolution 1624 (2005)

20. The Committee welcomes continued dialogue of the Executive Directorate with Member States on their efforts to implement resolution 1624 (2005). At the beginning of November 2010, a total of 109 States have submitted reports to the Committee on the implementation of the resolution. The Committee notes that counter-terrorism measures can be most effective when they are approached holistically, incorporating consideration of conditions conducive to the spread of terrorism as well its prevention. Establishment of appropriate national mechanisms will help States to develop and implement comprehensive counter-terrorism strategies. The Committee, recognizing the special role of local communities, the private sector, civil society and the media in this regard, encourages the Executive Directorate to continue developing initiatives to identify and spread best legal practices and strategies for countering incitement and violent extremism. The Executive Directorate should conduct its efforts in cooperation with other key players, including regional and subregional organizations.

21. The Committee welcomes the work of the Executive Directorate on Security Council resolution 1624 (2005) and encourages the Executive Directorate, in close cooperation with the Counter-Terrorism Implementation Task Force and its working groups, to strengthen its efforts to identify and spread best legal practice to prohibit and prevent incitement to commit terrorist acts. The Committee urges the Executive Directorate to work with States as well as regional and subregional organizations to develop strategies for countering incitement to terrorist acts motivated by extremism and intolerance, as called for in resolution 1624 (2005) and the United Nations Global Counter-Terrorism Strategy. The Committee requests the Executive

Directorate to prepare a report for its consideration on the status of the global implementation of resolution 1624 (2005) by the end of 2011.

X. Public communications and outreach

22. The Committee welcomes the Executive Directorate's active implementation of its communications strategy, which focuses on engagement with Member States, international organizations, relevant academic research institutions, civil society, media and the private sector with a view to enhancing understanding of, and engagement with, the Committee and the Executive Directorate. This work is being partially merged into the Task Force framework in concert with the Department of Public Information. The Executive Directorate has revitalized the Committee's website, and maintains and constantly updates its content in all six official languages. It also distributes a current press kit, especially during visits to States or at conferences or workshops.

23. The Committee encourages the Executive Directorate to provide updates on the implementation of the communications strategy on a regular basis and to maintain and update the Committee's website in all six official languages.

XI. Organization and operation of the Counter-Terrorism Committee Executive Directorate

24. The Committee has taken note of the report of the Executive Directorate stating that the Executive Directorate is adequately staffed to conduct an ambitious programme of activities under a new mandate and to support the Committee, in cooperation with its Task Force partners, in conducting assessment visits, hosting workshops, and facilitating technical assistance to Member States. In addition, the Committee takes note of the view of the Executive Directorate that the establishment of a voluntary trust fund could facilitate activities, as approved by the Committee, using extrabudgetary funding more efficiently and transparently.

25. The Committee expresses its intention to further discuss the need of the Executive Directorate to establish a consistent, efficient and transparent means of handling extrabudgetary funding for activities that have been approved by the Committee.

26. The Committee welcomes the proposals of the Executive Directorate on adjustments to its organizational structure and operational practice.

XII. Conclusions

27. During the mandate period, the Executive Directorate has fulfilled the tasks assigned by the Committee, as set out in the Executive Directorate's work programmes, and as set out in the Committee's work programmes.

28. Moreover, the Committee welcomes the measurable achievements of the Executive Directorate since the adoption of resolution 1805 (2008), in particular, its deepening dialogue with Member States in all regions, executing a more proactive strategy to facilitate technical assistance, and engaging in close collaboration and

cooperation with its international, regional and subregional partner organizations and relevant Counter-Terrorism Implementation Task Force entities.

29. The Committee believes that a renewal of the mandate of the Counter-Terrorism Executive Directorate for a further period of three years will greatly serve the Committee in monitoring — and enhancing the capacities — of Member States in implementing the resolutions of the Security Council.